

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

STEVEN DECOSTA IN HIS)	CIVIL NO. 03-00598 DAE-LEK
REPRESENTATIVE CAPACITY)	
AS CHAIRPERSON OF THE)	
BOARD OF TRUSTEES OF)	AMENDED RULE 16
UNITED PUBLIC WORKERS,)	SCHEDULING ORDER
AFSCME, LOCAL 646, AFL-CIO,)	
MUTUAL AID FUND TRUST,)	
REAL PARTY IN INTEREST)	
UNITED PUBLIC WORKERS,)	
AFSCME, LOCAL 646, AFL-CIO,)	
)	
Plaintiffs,)	
)	
vs.)	
)	
GARY W. RODRIGUES,)	
)	
Defendant.)	
_____)	

AMENDED RULE 16 SCHEDULING ORDER

Pursuant to the new trial date and deadlines given, the Court enters this amended scheduling conference order:

TRIAL AND PRETRIAL CONFERENCE SCHEDULING:

1. **NON-JURY** trial in this matter will commence before the Honorable David Alan Ezra, United States District Judge on March 11, 2008, at 9:00 a.m.
2. A final pretrial conference shall be held on January 29, 2008, at 9:00 a.m. before the Honorable Leslie E. Kobayashi, United States Magistrate Judge.

3. (RESERVED)

4. Pursuant to LR 16.6, each party herein shall serve and file a separate final pretrial statement by January 22, 2008.

MOTIONS:

5. All motions to join additional parties or to amend the pleadings shall be filed by N/A.

6. Other non-dispositive motions, except for motions in limine and discovery motions, shall be filed by N/A.

7. Dispositive motions shall be filed by **October 10, 2007**.

8. Motions in limine shall be filed by February 19, 2008.

Any opposition memorandum to a motion in limine shall be filed by February 26, 2008.

DISCOVERY:

9. Unless and until otherwise ordered by the Court, the parties shall follow the discovery plan agreed to by the parties herein pursuant to Fed. R. Civ. P. 26(f).

10. (RESERVED)

11. Pursuant to Fed. R. Civ. P. 26(a)(2), each party shall disclose to each other party the identity and written report of any person who may be used at trial to present expert evidence under Rules 702, 703, or 705 of the Federal Rules of Evidence. The disclosures pursuant to this paragraph shall be according to the

following schedule:

a. All plaintiffs shall comply by N/A.

b. All defendants shall comply by N/A.

Disclosure of the identity and written report of any person who may be called solely to contradict or rebut the evidence of a witness identified by another party pursuant to subparagraphs a and b hereinabove shall occur within thirty (30) days after the disclosure by the other party.

12. Pursuant to Fed. R. Civ. P. 16(b)(3) and LR 16.2(a)(6), the discovery deadline shall be **November 20, 2007 (as to Steven DeCosta, Alison Leong, George Yasumoto and Dayton Nakanelua)** . Unless otherwise permitted by the Court, all discovery pursuant to Federal Rules of Civil Procedure, Rules 26 through 37 inclusive must be completed by the discovery deadline. Unless otherwise permitted by the Court, all discovery motions and conferences made or requested pursuant to Federal Rules of Civil Procedure, Rules 26 through 37 inclusive and LR 26.1, 26.2 37.1 shall be heard no later than thirty (30) days prior to the discovery deadline.

SETTLEMENT:

13. The parties shall remain on call for a settlement conference before the Honorable Leslie E. Kobayashi, United States Magistrate Judge.

14. Each party shall deliver to the presiding Magistrate Judge a confidential

settlement conference statement by N/A. The parties are directed to LR 16.5(b) for the requirements of the confidential settlement conference statement.

15. The parties shall exchange written settlement offers and meet and confer to discuss settlement before the date on which settlement conference statements are due.

TRIAL SUBMISSIONS:

16. (RESERVED)

17. (RESERVED)

18. (RESERVED)

19. (RESERVED)

20. (RESERVED)

WITNESSES:

21. By February 19, 2008, each party shall serve and file a final comprehensive witness list indicating the identity of each witness that the party will call at trial and describing concisely the substance of the testimony to be given and the estimated time required for the testimony of the witness on direct examination.

22. The parties shall make arrangements to schedule the attendance of witnesses at trial so that the case can proceed with all due expedition and without any unnecessary delay.

23. The party presenting evidence at trial shall give notice to the other party the

day before of the names of the witnesses who will be called to testify the next day and the order in which the witnesses will be called.

EXHIBITS:

24. By February 12, 2008, the parties shall premark for identification all exhibits and shall exchange or, when appropriate, make available for inspection all exhibits to be offered, other than for impeachment or rebuttal, and all demonstrative aids to be used at trial.

25. The parties shall meet and confer regarding possible stipulations to the authenticity and admissibility of proposed exhibits by February 19, 2008.

26. By February 26, 2008, the parties shall file any objections to the admissibility of exhibits. Copies of any exhibits to which objections are made shall be attached to the objections.

27. The original set of exhibits and two copies (all in binders) and a list of all exhibits shall be submitted to the Court the Thursday before trial.

DEPOSITIONS:

28 a. By February 19, 2008, the parties shall serve and file statements designating excerpts from depositions (specifying the witness and page and line referred to) to be used at trial other than for impeachment or rebuttal.

b. Statements counter-designating other portions of depositions or any objections to the use of depositions shall be served and filed by February 26, 2008.

TRIAL BRIEFS:

29. By February 26, 2008, each party shall serve and file a trial brief on all significant disputed issues of law, including foreseeable procedural and evidentiary issues, setting forth briefly the party's position and the supporting arguments and authorities.

PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW:

30. Each party shall serve and file proposed findings of fact and conclusions of law by February 26, 2008.

OTHER MATTERS:

IT IS SO ORDERED.

DATED: Honolulu, Hawai'i, August 10, 2007.



/S/ Leslie E. Kobayashi
Leslie E. Kobayashi
United States Magistrate Judge

STEVEN DECOSTA, ETC. V. GARY W. RODRIGUES; CIVIL NO. 03-00598 DAE-LEK; AMENDED RULE 16 SCHEDULING ORDER